

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

**IN RE:
MARGIE H. MCALISTER**

**§ CASE NO: 16-20335-rlj-13
§
§ JUDGE ROBERT L. JONES
§ HEARING DATE: June 14, 2018
§ HEARING TIME: 11:00 am**

**NOTICE OF HEARING, PRE-HEARING CONFERENCE
AND ATTACHED MODIFICATION OF PLAN AFTER CONFIRMATION**

NOTICE OF HEARING

On the 14th day of June 2018 which is at least twenty-eight (28) days from the date of service hereof, at 11:00 o'clock A.M. a **HEARING** on the above and foregoing "Modification of Plan After Confirmation" will be held before the Bankruptcy Judge, at the U.S. Bankruptcy Court, 205 SE Fifth Ave., Third Floor Courtroom, Amarillo, Texas 79101. Creditors are not required to attend unless they have objections to the Modification.

NOTICE OF PRE-HEARING CONFERENCE

A **PRE-HEARING CONFERENCE** will be held by the Trustee at 8:30 o'clock A.M. prior to the above hearing time at the following location: 205 SE Fifth Ave., Room 17, Amarillo, Texas 79101. Hearings on Motions to Modify Plans with objections not resolved at the **PRE-HEARING CONFERENCE** will be heard by the Court at the scheduled Hearing time.

NOTICE is hereby given that pursuant to 11 U.S.C. 1329 the attached "Modification of Plan" dated April 17, 2018, **will be** by the Court as the Debtor's Modified Chapter 13 Plan unless a party in interest files a written "Objection to the Modification" within twenty one (21) days of service hereof, and the Debtor has made any subsequent payments required under the Modified Plan. An "**Objection to Modification**" shall be made in writing to the following: United States Bankruptcy Court, Clerks's Office, 205 SE Fifth Ave., Third Floor Courtroom, Amarillo, Texas 79101, with copies sent to Robert Wilson, Chapter 13 Trustee, 1407 Buddy Holly Ave, Lubbock, Texas, 79401, and Debtor(s) Attorney at the above address.

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§ CASE NO: 16-20335-rlj-13

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**HEARING DATE: June 14, 2018
HEARING TIME: 11:00 am**

MODIFICATION OF MODIFIED CHAPTER 13 PLAN AFTER CONFIRMATION

DATE: April 17, 2018

Pursuant to 11 U.S.C. 1329, the Debtor(s) (per the undersigned attorney) or the Standing Chapter 13 Trustee, requests the following Modification of Debtor(s) Confirmed Plan herein:

HISTORY OF THE CASE

1. Date Case Filed: November 30, 2016
2. Date of Section 341 Meeting: January 3, 2017
3. First Payment Date: December 28, 2016
4. Date of Confirmation: March 16, 2017
5. Total Plan Term Prior to this Modification: 49
6. Number of Months from First Payment Date through month prior to estimated month of Modification Approval: 18
7. Remaining Plan Term (subtract item 6 from the lessor of item 5 or 60 months): 31
8. Amount of Arrears through the month prior to the date the Modification is filed:\$0.00
9. Date Plan Payments are to Resume: April 28, 2018
10. Total Payments **Paid** to the Trustee through the month prior to the date the Modification is filed with the clerk:\$14,885.00
11. Total Payments **Due** to the Trustee through the month prior to the date the Modification is filed with the clerk:\$13,328.00
12. Total Payments **Due** to the Trustee from the month the Modification is filed to the month the Modification is set for approval:\$1,666.00
13. List Dates of any Prior Orders Modifying, Interlocutory Orders, or Special Supervision Orders: None

II.

MODIFICATION REQUESTED

(check 1 or more of the following 4 choices)

- ☐ Plan payments remain at \$____.
- ☒ **INCREASE** monthly payment from \$833.00 per month to \$2,390.00 per month.
- ☐ Increase months from ____ months to ____ months (Not to Exceed 60 Calendar Months from Month of First Payment Date)
- ☐ Add balloon payment of \$_____ in ____ month (indicate how the balloon payment will be made)_____

All modifications which include a balloon payment will require testimony.

Any arrears indicated in item 8 above shall be cured by the following method:

III.

RESUMPTION OF PAYMENTS TO THE TRUSTEE

(all information below must be complete)

Payments can only change as of the month the modification is approved. Payments to the Trustee in the amount of \$2,390.00 will resume on or before April 28, 2018, (item 9 above) for the remaining) 34 months as of the date the modification is approved.

Base amount remains the same in the amount of \$_____.

Base amount will change from \$40,817.000 to \$97,811.00.

If the base amount has changed complete the following:

Total Paid in as of the month prior to Modification Approval:	\$16,551.00
(+) Plus Total Payments to be made through the Remainder of the plan (making up any arrears in item 8 above):	\$81,260.00
(=)New Base Amount	\$97,811.00

IV.

TREATMENT OF UNSECURED CREDITORS

Unsecured creditors are not guaranteed a dividend when a plan is confirmed. See general order 2009-03. Allowed general unsecured claims may receive a pro-rata share of the unsecured creditors' pool, but not less than the section 1325(a)(4) amount of non-exempt property less allowed administrative and priority claims, after the TRCC becomes final. A proof of claim must be timely filed to be allowed.

☒ The unsecured creditor pool remains at 100%.

_____ The unsecured creditor pool changes from \$_____ to \$_____.

V.

SECURED, PRIORITY OR SPECIAL CLASS TREATMENT

ADD/DELETE/SURRENDER/CHANGE the following Secured, Priority or Special Class Unsecured Creditor(s):

CODE; A = ADD; D = DELETE; S = SURRENDER; CF = CHANGE FROM; CT =CHANGE TO

Code	Name	Class	Amount	Collateral	Value	Monthly Payment Surrender Direct
A	Ditech	Sec.	\$8,688.81	arrears	\$154,294.00	34mo@\$255.56
(the above amount is for August 2017-March 2018)						
CF	Ditech	Sec.	\$98,391.62	mortgage	\$154,294.00	Paid Direct
CT	Ditech	Sec.	\$1,059.72	mortgage	\$154,294.00	34mo@\$1,059.72

or

_____ Check here if no changes are to be made to creditors

Note: Changes to any creditors above shall not be effective until the Modification is Approved.

VI.

ATTORNEY'S FEES

☒ Debtor's attorney shall be allowed an additional fee for this Modification in the total amount of \$400.00, of which will be paid by the Trustee through this modification.

or

_____ Check here if no additional attorney fee has been added for this Modification of Plan after Confirmation.

VII.
REASON FOR MODIFICATION

This Modification is requested for the following reason(s):

Debtor owes post-petition mortgage arrears to Ditech Financial LLC and they have agreed for Debtor to pay them through her Chapter 13 Plan.

VIII.
BUDGET INFORMATION

At the time of filing this modification the debtor shall provide a filed marked copy of the current budget (schedules I & J) and the three most recent pay stubs to the Trustee.

Dated: April 17, 2018

Respectfully submitted,

Swindell Law Firm
1105 S. Taylor
Amarillo, TX 79101
(806) 374-7979
(806) 374-1991 Fax

/s/ Patrick A. Swindell
Patrick A. Swindell; SBN 19587450
ATTORNEY FOR DEBTOR

CERTIFICATE OF SERVICE

I certify that a true copy of the above and foregoing Modification of Plan After Confirmation, Notice of Hearing and Pre-Hearing Conference has been served by me on April 17, 2018, on all parties on the attached matrix, by United States First Class Mail, proper postage affixed.

/s/ Patrick A. Swindell
Patrick A. Swindell